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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/657,297 09/07/00 BARKER

R 6217

EXAMINER

026317 PM82/0827  
AMSTEAD INDUSTRIES INCORPORATED  
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44TH FLOOR  
CHICAGO IL 60601

JULES, F

ART UNIT

PAPER NUMBER

3617  
DATE MAILED:

08/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.	Applicant(s)	
09/657,297	BARKER ET AL.	
Examiner	Art Unit	
Frantz F. Jules	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufhold et al in view of Winther.

Claims 1-2, 4-8

Kaufhold et al teach all the limitations of claims 1-8 except for a draft gear assembly with a coupler follower having a buff stroke of 4-1/4" or less, a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in addition to a second or back resilient member. The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Winther and has been classified as obvious matter of design preference, see figs. 1-3, columns 1-2, lines 1-72. Moreover, using a second or back resilient member in a draft gear assembly has been classified as an obvious duplication of similar part which accomplishes essentially the same function. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a coupler follower having a buff stroke of 4-1/4" or less, a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength

in the coupler by increasing the angling of the coupler to better negotiate curve. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a second or back resilient member in his advantageous draft gear as taught by Winther in order to increase the impact loading capability of the draft gear while reducing failure in the assembly.

#### Claims 9-28

Winther teaches all the limitations of claims 9-28 except for a draft gear having a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8". The general concept of sizing the coupler follower of a draft gear assembly for a particular range of buff stroke and draft stroke including the length of the draft pocket is in the range of common knowledge as illustrated by Winther and has been classified as obvious matter of design preference, see Winther figs. 1-3, columns 1-2, lines 1-72. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Winther to include the use of a coupler follower having a buff stroke of 4-1/4" or less a yoke with a draft stroke of 1-1/4" including a draft pocket with a length of 24-5/8" in his advantageous draft gear in order to avoid loss of strength in the coupler by increasing the angling of the coupler to better negotiate curve.

#### ***Response to Arguments***

3. Applicant's arguments filed 8/03/01 have been fully considered but they are moot in view of the new grounds of rejection.

Applicant's argument regarding the limitation of "at least part of the coupler bearing surface being forward of the stop contact surfaces of the coupler follower" is weak to overcome the rejections as Kaufhold et al meet this limitation fully.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark, Page, Wilson et al, Blattner, Pelikan are cited to show closely related draft gear having front and rear cushion assembly.

Shramovich, Altherr are cited to show related draft gear coupler having various size buff stroke.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules  
Examiner  
Art Unit 3617

FFJ

August 23, 2001



S. JOSEPH MORANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600